

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

18-CR-134 (KAM)

United States Courthouse
Brooklyn, New York

5 -versus-

April 27, 2021
3:00 p.m.

6 DONVILLE INNISS,

7 Defendant.

9 TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING
10 BEFORE THE HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE

11 APPEARANCES

12 For the Government:

UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: GERALD MOODY, ESQ.
DAVID GOPSTEIN, ESQ.
SYLVIA SHWEDER, ESQ.
Assistant United States Attorneys

17 For the Defendant:

GRAY ROBINSON
333 SE Second Avenue
Miami, Florida 33131
BY: JOEL HIRSHHORN, ESQ.

19 Court Reporter:

Rivka Teich, CSR, RPR, RMR, FCRR
Phone: 718-613-2268
Email: RivkaTeich@gmail.com

22 Proceedings recorded by mechanical stenography. Transcript
produced by computer-aided transcription.

23
24
25
Rivka Teich CSR RPR RMR FCRR
Official Court Reporter

SENTENCING

1 (In open court.)

2 THE DEPUTY CLERK: This is criminal cause for
3 sentencing, U.S. v. Donville Inniss.

4 Will the Government's attorney state your
5 appearance?

6 MR. MOODY: Good afternoon, your Honor, Gerald
7 Moody, Assistant Chief in the Foreign Corrupt Practices Act of
8 the criminal fraud section. With me is Assistant United
9 States Attorney David Gopstein and Sylvia Shweder.

10 THE COURT: Good afternoon.

11 On behalf of Mr. Inniss?

12 MR. HIRSCHHORN: Joel Hirschhorn. I've been
13 admitted in this matter by your Honor.

14 THE COURT: Yes, hello. Good afternoon, sir.

15 And good afternoon, Mr. Inniss.

16 THE DEFENDANT: Good afternoon.

17 THE COURT: Sir, do you have any difficulty speaking
18 and understanding English?

19 THE DEFENDANT: No, I don't.

20 THE COURT: Raise your right hand and take an oath
21 to tell the truth.

22 (Defendant sworn.)

23 THE DEFENDANT: Yes.

24 THE COURT: Mr. Inniss, as you can see we have a
25 court reporter here who is making a transcript of today's

SENTENCING

1 proceedings. That transcript will be made part of the
2 official court record, if you choose to exercise your
3 appellate rights.

4 I'd like to first ask the Government whether they
5 have given victim notification of today's sentencing
6 proceeding?

7 MR. MOODY: Your Honor, we do not believe there is
8 an identifiable victim in this case.

9 THE COURT: All right. I noted that the PSR
10 indicated that restitution was mandatory. Obviously the
11 insurance company is out money; but you do not consider them
12 to be a victim; is that correct?

13 MR. MOODY: That's correct, your Honor. The
14 insurance company is held responsible for the actions of its
15 senior management. They are not a victim here.

16 THE COURT: Thank you, sir. In preparation for
17 Mr. Inniss' sentencing I've reviewed the second Superseding
18 Indictment dated August 1st, 2019; the jury verdict sheet
19 finding Mr. Inniss guilty on all three counts, that verdict
20 sheet was dated January 16, 2020.

21 I've also reviewed the order for forfeiture, which I
22 previously executed on August 20, 2020. That forfeiture order
23 will be made part of the judgment here today.

24 I've reviewed the Probation Department's presentence
25 report and the Probation Department's sentencing

SENTENCING

1 recommendation dated October 30, 2020. And the Probation
2 Department's addendum to the PSR dated April 2, 2021.

3 I've also reviewed defense counsel's sentencing
4 submission dated March 30, 2021. And the April 14 sentencing
5 supplement. As well as multiple letters from various family
6 members and other supporters submitted on April 9, 2021.

7 Finally, I've reviewed the Government's sentencing
8 submission dated April 9, 2021.

9 Have I over looked any submissions, counsel?

10 MR. MOODY: No, your Honor.

11 MR. HIRSCHHORN: No, your Honor.

12 THE COURT: Thank you.

13 Mr. Inniss is a citizen of Barbados not a U.S.
14 citizen. Accordingly, he does have the right to have members
15 of his consulate present and to have them assist him during
16 this proceeding.

17 Do you wish to exercise that right, Mr. Inniss?

18 THE DEFENDANT: No, I don't.

19 THE COURT: In addition, Mr. Inniss is a permanent
20 resident of the United States. Has ICE been given
21 notification of today's sentencing, counsel for the
22 Government?

23 MS. SHWEDER: I'm not sure, your Honor. But they
24 are aware that he's not a U.S. citizen and that we have been
25 going through this process. He's a permanent resident of the

SENTENCING

1 United States, so it's a little bit of a different situation.
2 I'll make sure to confirm that that is followed through with.

3 THE COURT: Thank you.

4 MR. HIRSCHHORN: Before you leave that point, I
5 would like to ask Mr. Inniss a quick question.

6 (Brief pause.)

7 MR. HIRSCHHORN: Mr. Inniss and I previously
8 discussed the fact that regardless of the sentence imposed,
9 whenever he is no longer in the constructive custody of the
10 Attorney General, he will agree to voluntarily return to
11 Barbados.

12 THE COURT: All right. I was next going to address
13 my understanding that there is not an ICE detainer; is that
14 correct, Ms. Shweder?

15 MS. SHWEDER: That's correct, your Honor.

16 THE COURT: Thank you.

17 Mr. Inniss, are you satisfied with your attorney,
18 Mr. Joel Hirschhorn?

19 THE DEFENDANT: Yes, I am, your Honor.

20 THE COURT: Mr. Hirschhorn, are there any unresolved
21 conflicts or contentions or issues between you and your
22 client?

23 MR. HIRSCHHORN: No, your Honor.

24 THE COURT: I appreciate the show of respect when
25 you stand, but if it's more comfortable the microphones on the

SENTENCING

1 table will pick up your voices and you need not stand when you
2 address me. But thank you for that.

3 MR. HIRSCHHORN: Thank you, your Honor.

4 THE COURT: Yes, please, be comfortable.

5 Mr. Inniss does appear to be fully alert and
6 following the proceedings closely. Would you agree with that
7 observation, Mr. Hirschhorn?

8 MR. HIRSCHHORN: Yes.

9 THE COURT: Do you know any of any reason not to
10 proceed today with Mr. Inniss' sentencing?

11 MR. HIRSCHHORN: There is no legal cause.

12 THE COURT: Mr. Inniss, have you been able to review
13 the presentence report and the addenda, the Government's
14 sentencing submissions, as well as the submissions by your
15 attorney relating to your sentencing?

16 THE DEFENDANT: Yes, I have, your Honor.

17 THE COURT: Did you have any difficulty
18 understanding those submissions?

19 THE DEFENDANT: No, your Honor. They were clarified
20 by my attorney.

21 THE COURT: So did have you a full opportunity to
22 discuss those submissions with your lawyer?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Are you ready now to be sentenced, sir?

25 THE DEFENDANT: Yes, your Honor.

SENTENCING

1 THE COURT: Mr. Inniss, you also have what is called
2 the right to a Fatico fact-finding hearing. That's a hearing
3 during which parties may present evidence relevant to
4 sentencing, particularly if there are disputed issues of fact.
5 Do you wish to schedule such a hearing?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Mr. Inniss, you do have the right to
8 make a statement here in open court if you would like to be
9 heard. I'm happy to hear from you, sir. Do you wish to be
10 heard?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: All right. Please speak slowly and the
13 green disk on the table is the microphone, so please take your
14 time. I'll hear from you.

15 THE DEFENDANT: Your Honor, on May 24, 2018, I saw
16 the end of my ten years as a member of Parliament of Barbados
17 and as a Cabinet Minister. Not only did I lose my seat as the
18 MP, for the constituency of James South, but my term team of
19 fellow candidates in my party failed to win any seats in the
20 thirty-member Parliament in Barbados.

21 Democracy has spoken. And in usual Barbadian style,
22 we were all gracious in accepting our defeat in wishing the
23 new Prime Ministers group best wishes.

24 It was a time of deep reflection as to where you
25 went wrong as a politician, and where your team also made

SENTENCING

1 errors. It was also a time for quite solitude as you now seek
2 to make up lost family time; and given my age then of 52
3 years, a time to strategize as to the future.

4 My passion for public service spanned over 30 years
5 of academic studies, practical work experience, and voluntary
6 community service. I feel that my ten years as a practicing
7 politician had created in me an undying passion for public
8 service. I felt then that this defeat was just another lesson
9 in life and reflection of the will of the people at the time.
10 I never got angry. I never felt bitter.

11 Now, as a boy growing up in a working-class family
12 in rural working-class Barbados, my parents, neighbors and
13 family all instilled in us a strong value system based on
14 striving to always do our best, helping those in need, valuing
15 education, having a strong religious foundation, and never
16 forgetting from where you have come.

17 Upon reflection, the all African proverb of, "It
18 takes a village to raise a child," was most apt in my brain
19 and helped to form my character. We learned to joy and
20 maximize whatever we were given in life. We were taught to
21 respect the property of others and to work hard for whatever
22 we wanted to achieve.

23 So I stand -- or rather sit -- here today, your
24 Honor, before you, eternally grateful that my island my family
25 and friends have provided to me.

SENTENCING

1 It was with a deep sense of loss and national
2 election, buttressed with my experience and strength of
3 character and in view of the desire to continue with life's
4 journey, that I left Barbados for Tampa, Florida in early
5 August 2018. My plans were to begin to reacquaint myself with
6 a city and a country that I had also been in for many years; a
7 place that I my wife and sons are citizens of. As a matter of
8 fact, my children were born but the few miles here in
9 University Hospital Mineola, Nassau County Long Island, when I
10 lived there back in the 90s.

11 My immediate plans were to ensure that all systems
12 are in place for our youngest son to commence college in
13 August 2018. For me, to recommence my work in the field of
14 international business while also striving to complete my
15 doctorate in business administration. I had started my
16 doctoral program while serving as an MP and as a cabinet
17 minister, not just to gather further knowledge in my field of
18 international business but also to inspire my children and
19 others that the sky is the limit and one can achieve success
20 in life if you apply yourself.

21 My dream was that by 2019/2020, I would have
22 completed my doctorate. I would have been serving perhaps a
23 college lecturer in my chosen field, helping to shape the
24 minds of youth and helping to create sustainable businesses.
25 My eyes would have remained focused on also returning to

SENTENCING

1 active politics in Barbados within a few years.

2 However, all such hopes, dreams and aspirations seem
3 to fade into oblivion on that fateful day when I was arrested
4 upon arrival at Tampa International Airport, and charged with
5 the crimes as contained in the Indictment.

6 Initially, your Honor, it felt surreal. It took a
7 few days for the reality and the seriousness of the gravity of
8 the situation to take root. Having reached middle age and
9 never been accused of corruption, or knowingly engaged in any
10 corrupt practices, this arrest and Indictment hit me like a
11 ton of bricks. Obviously, I became immediately concerned as
12 to the well-being of my wife, my sons, my family, my island,
13 and even my former constituents who I represented in
14 Parliament.

15 I felt alone then as stranded in a country that I
16 had been in and out of for nearly 30 years, but had not yet
17 gotten the chance to call home. I was in a country where I
18 had few friends, less family, little resources, and really no
19 support system. Actually, your Honor, back then I only knew
20 of one attorney in this country and I never had a need for use
21 of a lawyer in the U.S. of A. before.

22 Your Honor, I have spent the last 32 months
23 restricted to Florida, except for court appearances here in
24 New York. I have faced the immense embarrassment of these
25 serious charges Indictment, pretrial, trial, conviction. And

SENTENCING

1 now I stand before you as my fate and my future is
2 determined -- or I sit before you, your Honor, as my future
3 and fate is determined.

4 For many this trial has been not just about the
5 charities, the allegations, the findings, and other legal
6 issues, it has equally been for some about emotions, realities
7 of life, and an uncertain future.

8 It would be remiss of me as I sit here today, your
9 Honor, and throw myself at your mercy if I did not express my
10 sincere apologies to those who have been most affected by this
11 case, besides myself. For the media, and those prone to
12 sensualism, this matter may have just been about coverage of a
13 case in the U.S, where for the first time a Barbadian
14 politician has been charged and found guilty, primarily based
15 on crimes committed in Barbados before first being charged
16 in Barbados. But for my family, myself and my island of
17 birth, this is the situation that I would not have wished on
18 my worse enemy.

19 My wife and sons have been my bedrock over the
20 years. They know better than anyone else the sacrifices that
21 have been made as I pursued dreams of being a representative
22 of the people. They know the impact upon the family. They've
23 always been incredibly supportive and have never complained.

24 As a father, I made the commitment to spend quality
25 time with my sons. I was there at University Hospital in New

SENTENCING

1 York, as I said, when they were born. As a father I developed
2 a strong bond with my sons.

3 Your Honor, I always said, healthy family relations
4 are not defined by the size or location of your house, by the
5 car you drive, or the number of zeros in your bank account;
6 but more importantly, by the simple things such as giving them
7 a bath, reading with them, taking them to school, doctor
8 visits, deciding on school programs, engaging in extra
9 curricular activities; and as a father of two boys, even that
10 dreaded conversation about relationships.

11 Whilst I had a busy four schedule in public life, I
12 was there for and with my sons and my wife and family. Your
13 Honor, I've had the honor of visiting some approximately 39
14 countries over the years as I pursued either personal business
15 interests, or executed the work on behalf of my island
16 Barbados. But even if I had to take a two-minute break from a
17 high-powered meeting, I did so to say good morning or good
18 evening to my family, especially my sons. It made a
19 difference to all of us.

20 One can only imagine the embarrassment, pain, anger
21 and other mixed emotions that my wife and sons have had to
22 endure over the past 32 months. Just when we thought that it
23 was a time to work on solidifying our future, it all came
24 crashing down. I am eternally grateful for their love and
25 support. And trust that you will find it fit to allow me to

SENTENCING

1 continue with them as we try to pick up the pieces.

2 Likewise, for my sisters and brothers who have
3 sacrificed a lot to visit with me in the U.S. of A., calling
4 and offering their love, support and praise, I feel their
5 pain. It is very real and it is very immense.

6 Your Honor, it is also a times like theses that you
7 realize who your true friends are. The constraints of being
8 in a foreign country certainly have influenced the ability to
9 reach out and to help. The fear of even applying to the U.S.
10 Embassy for a visa is real. I wish to publicly empathize with
11 them; but more importantly, to apologize to them for the pain
12 and anguish that that my charges, trial and conviction her in
13 the U.S. has had on them as well.

14 In as much as I owe an immense debt of gratitude to
15 Barbados for raising me, nurturing and providing
16 opportunities; I equally owe Barbados a deep and sincere
17 apology for the pain, suffering and embarrassment caused
18 because of my legal battles here in the U.S. of A.

19 Your Honor, it is very difficult to explain the
20 passion and love one can feel for their country of birth. The
21 shame caused by my legal battles here can cut like a knife on
22 the political and social fabric of Barbados. This fact has
23 never been lost on me.

24 I have served in the most important bodies in
25 Barbados. And I have much more than a fleeting glance at how

SENTENCING

1 cases like mine impact upon the island. It is important that
2 citizens have faith in the institutions, systems, and indeed,
3 their politicians.

4 Your Honor, I've served as a Parliamentarian for ten
5 years, and hence, will be party to intense discussions on
6 policies, programs and laws that provided for the orderly and
7 good governance in of the island of Barbados. Service such
8 discussions centered on governance, corruption and society.

9 Back in 2010 the then-Government of which I was a
10 part of it, recognized that the 1929 Prevention of Corruption
11 Act was outdated and in need of better changes to bring the
12 law into some semblance of relationships with modern
13 Government, people and politics. It was noted that then, in
14 its 80 years of existence, no one had ever been charged under
15 that law. Furthermore, it predated the establishment of
16 cabinet Government, the 1966 Constitution of Barbados, and
17 several other laws, structures, policies and programs. To
18 date, and after several attempts to completely overhaul that
19 legislation, it remains on the statute of Barbados.

20 Your Honor, the fact that I am the first person
21 convicted by the use of the 1929 Barbados Prevention of
22 Corruption Act is not lost on me.

23 The fact that the Court here and all interested
24 parties may not have been benefited from a fuller discussion
25 on that particular legislation and its application or lack

SENTENCING

1 thereof over the past 90 years, is also not lost on me. The
2 fact that it has occurred in the U.S. of A. is also profound.

3 One can only imagine the pain, distractions, hurt
4 and embarrassment that my conviction here has caused to the
5 Government and people of Barbados. For that, I must deeply
6 apologize.

7 So your Honor knows, perhaps it's not the time to
8 detail my views on aspects of my charges and trial. We are
9 the sentencing point.

10 I thank you for your professionalism and as you took
11 charge of this trial. I cannot speak to specific legal
12 issues, but certainly to a willingness to hear our side.

13 As we proceed on this journey, let me also say
14 upfront that I bear no malice against the jury or the
15 prosecutors in my case. But as we proceed along this journey,
16 I have faith that my current legal counsel will address any
17 perceived or real errors in a professional and courteous
18 matter.

19 Your Honor, I stand before you today as a man who
20 offered to serve the land of my birth without fear or favor.
21 The sacrifices I made in so doing, pale in comparison to the
22 satisfaction I got from being of service. No phone call in
23 the dead of the night from a constituent to let me know that
24 someone in the household had just died or was severely ill
25 caused me any discomfort. No invitations to wedding,

SENTENCING

1 anniversary, christenings, sporting events, graduations,
2 parties, counseling, weddings, funerals or concerts or any
3 other events were too small or too unimportant for me to
4 attend and give my support.

5 Here in the U.S. of A elected representatives are
6 separate and distinct from cabinet members. In Barbados, they
7 can often be one and the same.

8 Likewise, unlike the U.S.A. where a politician will
9 have a support staff; in Barbados, one will be called upon to
10 perform even the most minute duty. It was not unusual for me
11 to get on the end to help a constituent resolve an issue. I
12 never complained. It was what was part of my culture, my
13 upbringing, and indeed, my passion.

14 There were cases for whom a little extra lesson
15 after school or internet access at home made a difference
16 between success or failure in life. I was happy to oblige.

17 So perhaps, your Honor, would appreciate the pain
18 that both I and others feel as I sit here before you today and
19 seek your mercy. Your Honor, there are no specific laws
20 regarding the financing of political campaigns in Barbados.
21 As such, politicians invariably engage with and have the
22 activities financed and supported by private persons or
23 corporate entities.

24 So what I may have thought was a huge political
25 support, has emerged here as much more than that. The lessons

SENTENCING

1 learned here must not be lost on present and future
2 politicians and our systems in Barbados and elsewhere. I
3 trust that the authorities there will frankly address any
4 locuna, so that no politician back home would ever have to
5 face or endure what I have here in the U.S. of A. for the last
6 32 months.

7 For several months I sat and asked myself if I fully
8 understood and appreciated the legal, moral and ethical
9 responsibilities of a cabinet member in Barbados. I asked
10 myself if and how I can knowingly participate in an act or
11 acts of corruption. I asked myself how, when and where did I
12 create fictitious invoices. But, alas, this query was
13 answered in the Court -- admitting to doing as such; of course
14 being granted a non-prosecutorial agreement by the U.S.
15 authorities.

16 It is truly regrettable that I was not privy to the
17 internal communication of staff at the Insurance Corporation
18 Barbados regarding these allegations, decisions, and related
19 matters. I certainly did not advise any ICBL officers on the
20 BIDC contracts. Certainly, no one ever asked me if any
21 contracts were approved. As former counselor for advice out
22 of back then. Not with standing the fact, your Honor, that
23 this case was in great measure initiated by insurance Corp.
24 limited. As their citizen as a former member of Parliament of
25 some staff of that companied and acquaintance of former

SENTENCING

1 present staff I too wish to apologize for my anguish that my
2 trial and conviction in the U.S. of A have caused to said
3 individuals. The fact that the Insurance Corporation of
4 Barbados Limited continues to be the principal insurer of most
5 Government-related entities in Barbados is instructive. But
6 your Honor, the Court has weighed in on this and other matters
7 and a jury has pronounced on such. As much as I've been
8 pained over the such, I accept as it is to date.

9 Your Honor, I have been charged, tried and convicted
10 for allegedly using my influence as a cabinet minister to
11 determination the issuance of an insurance contract on behalf
12 of the Barbados Investment and Development Corporation, BIDC.

13 What was not revealed through this trial, is the
14 fact that I spent seven years as a business development
15 officer at that said institution. As a young officer, I
16 worked for that agency in Barbados, self-career, and here in
17 New York City. As such, even though I ceased employment there
18 some quite a few years ago, I still had several former
19 colleagues and friends who remain there. I too wish to
20 apologize to them for any pain and hurt that they have
21 suffered as on an individual level and as their corporation
22 due to this trial here in the U.S. of A. and my role then.

23 During my tenure, the Barbados Investment ment
24 Development Corporation was led by a Board of Directors and
25 management team who, to the best of my knowledge, conducted

SENTENCING

1 themselves in a very professional manner. I thank them for
2 their service. I know the way they conducted their meetings
3 and affairs and documented such. I note in keeping with law
4 governing the establishment of functioning, the Minister was
5 restricted from exercising any undue influence on their
6 affairs.

7 Your Honor, I searched high and low for documents,
8 statements, and any other sources of evidence that I, as a
9 Minister, directed the affairs of the BIDC. In the context of
10 Barbados' laws and practices, Ministers just do not have such
11 powers.

12 I eagerly looked forward to the full discussion on
13 the BIDC acts, its rules, Minister meetings, and statements
14 from officials. But alas, that did not fully happen.

15 But, your Honor, it is expo facto. But I wish that
16 pain caused to the BIDC because of this, could have been eased
17 by more public exposure of their deliberations around this
18 matter.

19 Today I continue to humble myself before you in the
20 Court. Humility has always been my hallmark for constructive
21 engagement with peers and others. And I am very mindful that
22 my future, in great measure, resides with your Honor here
23 today.

24 My family, friends and I have suffered tremendously
25 over the past 32 months. I have lost nearly all that I worked

SENTENCING

1 for to date. Relationships have been strained irreparably;
2 hopes and dreams of completing studies; engaging in
3 constructive employment have all been dashed aside. Financial
4 ruin has taken root. My health has even sunk to a level that
5 threatens my existence. And there is this continuous sense of
6 hopelessness and despair.

7 Others may speak of this trial and conviction in
8 great abstract terms. To me, it is real and painful. Had I
9 thought that for one moment that any actions that I
10 contemplated, facilitated or otherwise engaged in were
11 designed to be corrupt, I would have thought not once, twice
12 or three times; I would simply have done such.

13 Your Honor, I've lost my dignity, respect,
14 relationships, and hope over the past 32 months while being
15 confined here. But those may just be general terms.

16 I've often very reluctant to tell others exactly
17 what I've experienced, how I suffered over the past 32 months.
18 I've done so out of an unwillingness to burden others or to
19 have them neglect their own circumstance to address my
20 concerns. But there are some very real and practical
21 challenges that I've had to face and live with since
22 August 2018.

23 Even before my first pretrial hearing, I got notice
24 my bankers are closing my accounts, and wanting absolutely
25 nothing to do with me as a customer. For those in the U.S. of

SENTENCING

1 A., that is a tough one to deal with. But as a customer in
2 Barbados, currently maintaining U.S.A., is even worse. No
3 amount of pleading my innocence and asking for this matter to
4 be resolved here first, appealed to the ears of some bankers.

5 Your Honor, with my limited financial resources
6 located in Barbados, and I in the U.S.A., it was very
7 difficult. To be able to engage in bankers from abroad was
8 even more difficult. Out of that, your Honor, the fact that
9 the Barbados currency is not accepted beyond it's
10 international airport. And that we should not send U.S.
11 dollars out of Barbados without the Central Bank of Barbados'
12 permission. So, your Honor, effectively since August 2018,
13 I've been compelled to be at the mercy of cash to survive.
14 Money to pay for housing, health, food, transportation, basic
15 survival has been done by asking for loans in cash. I would
16 have preferred not to have done so, but I had little choice.

17 And so every attempt to find employment here in the
18 U.S. of A. have also been unsuccessful to date. For once
19 potential employers are made aware of the charges, the doors
20 were suddenly closed in your face. Once convicted 16 months
21 ago, all doors really were closed. Even those willing to
22 engage, the prospects of having to leave at short notice to
23 attend court created a block.

24 But I sought to persevere, your Honor. And I have
25 faith that there is light at the end of the tunnel.

SENTENCING

1 I will confess that I've given advice to businesses
2 in the U.S. and elsewhere since I've been here in the U.S. of
3 A. for the last 32 months. They have all said that they
4 respect my experience and value my input; unfortunately, they
5 have not seen it fit to pay me. But perhaps some day they
6 will, your Honor.

7 So I truly know what is like to be a convict,
8 immigrant, black, and poor in the United States of America. I
9 felt it all wrapped in one.

10 Simple things that may appear to others, your Honor,
11 I've had difficulty with. For example, the fact that I came
12 from the island of Barbados where access to affordable
13 healthcare is free to citizens of Barbados. The first shocker
14 for me here in the United States of America in these
15 circumstances was recognizing that given preexisting
16 conditions, my race, and other adverse circumstances health
17 insurance was needed. I almost pivoted on the brim when first
18 quote I got for health insurance in the state of Florida was
19 some \$1,600 per month. I certainly could not afford that.

20 However, overtime I've been able to find a more
21 manageable policy for example. I have to live with my health
22 situation and prospects having to go through COVID-19, as
23 millions of other Americans as well. So it has been very,
24 very difficult over the last 32 months.

25 The other challenge, your Honor, is that while I

SENTENCING

1 look forward to returning to Barbados, I do so being aware of
2 the fact that I would be persona non grata in many respects.
3 The ability to do simple things, open a bank account, update
4 services, find employment, and have relationships are minimal.
5 It's like having gone to the mountain top and catapulted down
6 the sides, with all the cuts, bruises, agony being cascade
7 down the side. Recovery is uncertain, but one willing to
8 fight for.

9 So, your Honor, I can only pray that you will find
10 it prudent that I be allowed to gather every sinew in my body
11 to attempt to be a positive contributor to society and my
12 kind, in whatever time the Creator has determined I have left.

13 For some, this may just be another trial and
14 sentencing of a politician from a third-world developing
15 nation here in the United States of America. To me, it is a
16 serious reflection of not just where I may have missed many
17 errors -- or some errors -- in life and public service, but of
18 equal importance, how can my experience be used to better our
19 system of politics, leadership and governance.

20 My attorneys today will address the legal issues of
21 sentencing before your Honor. I will continue to attend to
22 any and all matters arising thereof.

23 So once again, in close, I thank you for your
24 patience. I thank you for your leadership over this trial.
25 And I once again sincerely apologize for any and all other

SENTENCING

1 errors that I may have made. I stand with respect, of course,
2 to the prosecutors and all court officers involved in this
3 matter. And I humbly throw myself at your mercy as end
4 sentencing here today. Thank you.

5 THE COURT: Thank you, Mr. Inniss.

6 Would counsel like to be heard?

7 MR. HIRSCHHORN: Yes, your Honor. I thought we
8 might at least briefly address the objections to the
9 presentence report so that they are preserved. I believe I
10 have to do that.

11 THE COURT: Well, I know they are in your sentencing
12 submissions. You have two objections which I'm prepared to --
13 I can hear further argument, if you would like.

14 MR. HIRSCHHORN: Very briefly.

15 THE COURT: I read all the submissions. I'm
16 prepared to rule on those objections.

17 MR. HIRSCHHORN: If I might just very briefly.

18 THE COURT: Of course.

19 MR. HIRSCHHORN: I'm not going to address -- the
20 only objections to address is the ones that affect the
21 sentencing guidelines. If I might briefly, Judge?

22 THE COURT: Sure.

23 MR. HIRSCHHORN: With respect to paragraphs 18 and
24 21, this in a sense is the basis of our defense and was
25 addressed by the Court in its order denying the motion for

SENTENCING

1 judgment of acquittal or for a new trial. So I just simply
2 renew it so it is preserved.

3 With respect to paragraph 23 and paragraph 30, we
4 contend, and have made it clear, that we believe that these
5 two payments were in fact related and should be addressed as
6 one payment, contrary to U.S.S.G. Section 2C1.1(b)(1). And
7 therefore, for guideline purposes our guideline should be
8 reduced by two points.

9 With respect to paragraph 32, we suggest that the
10 sophisticated means enhancement, which consisted essentially
11 of false invoices, a wire into the dental laboratory, and then
12 distribution of funds to or for or at Mr. Inniss' direction,
13 is not sophisticated within the sense of the word I am used to
14 and I think the courts have addressed ever since the federal
15 guidelines have gone into effect. So, therefore, we suggest
16 that the guidelines ought to be reduced by two points.

17 Thus, while the Probation Officer and the Government
18 offer an offense level of 28, we believe the offense level in
19 the presentence report ought to be 24.

20 That's without addressing the departures or
21 variances, such as the guidelines as applied seriously
22 overstate, or overstate the seriousness of the specific
23 conduct.

24 So that's the renewal of our objections to the
25 presentence report argument.

SENTENCING

1 THE COURT: Thank you. Was there anything else that
2 you wanted to address, sir?

3 MR. HIRSCHHORN: Other than allocution, Judge,
4 that's the only objection I wanted to address. I am prepared
5 to proceed with allocution.

6 THE COURT: Sure. I'm happy to hear from you right
7 now.

8 MR. HIRSCHHORN: Your Honor, we have here two
9 witnesses who have asked to be heard. In reality -- they are
10 out in the gallery there -- we've already submitted eight
11 letters. I know you've read them. The defendant's wife is
12 here, as are one of his brothers, and his sister-in-law. But
13 we would call at this time, if the Court would permit, first
14 the Reverend Hewitt to address the Court briefly.

15 THE COURT: Did he not submit a letter?

16 MR. HIRSCHHORN: He did submit a letter.

17 THE COURT: Is there something that I need to -- is
18 there something more that he needs to say?

19 MR. HIRSCHHORN: I think he felt the letter didn't
20 communicate as well as a brief three- or four-minute address
21 to the Court. He flew up from Barbados I believe -- sorry,
22 from Florida, for that.

23 THE COURT: I will hear from him. I would suggest
24 is if you can address the Court from where you are just so we
25 can maintain distance; or perhaps, Ms. Jackson, you can turn

SENTENCING

1 on the podium.

2 MR. HIRSCHHORN: I think the podium is on, Judge.

3 And state your name for the record please once you
4 arrive at the podium.

5 MR. HEWITT: My name is Guy Hewitt, G-U-Y,
6 H-E-W-I-T-T.

7 THE COURT: Thank you, sir. I'll be happy to hear
8 from you.

9 MR. HEWITT: Your Honor, I am hear to provide a
10 character reference on behalf of Donville Inniss in my
11 capacity as a friend for over 40 years, former colleague, and
12 as an ordained minister. I've known Donville for most of my
13 life. From secondary school, which is the equivalent of
14 middle and high school in Barbados, from university and
15 working together professionally. We collaborated in my prior
16 role as the Chair of the Board of Management of the Queen
17 Elizabeth Hospital, which is Barbados' sole tertiary
18 institution. And joined his tenure as Minister of Health,
19 which is equivalent to Secretary here. And then, again, when
20 I was Ambassador for Barbados to the United Kingdom when he
21 was Minister of International Business.

22 We attended Harrison College, which is Barbados'
23 oldest and premiere high school, in pursuit of excellence
24 under the motto In Deo Fides. The curriculum fostered
25 self-confidence, enthusiasm, leadership, team work,

SENTENCING

1 perseverance and integrity. Our alma mater produced the
2 succession of outstanding politicians, jurists, doctors,
3 entrepreneurs, and leaders across all spheres of endeavor.

4 While we were at university we not only acquired
5 high level skills for professional success, but also a
6 consciousness to contribute to the growth and development of
7 Barbados and the wider Caribbean. This, your Honor, is the
8 stuff that we are made of.

9 It is important for me to state that I never had
10 cause to suspect that Donville ever suffered from the cancer
11 of political corruption that has destroyed many developing
12 countries and eats away globally at citizens' faith in the
13 democracy.

14 On a personal note, our families are close. We are
15 well acquainted with each other's wives and children. I am
16 aware of the immeasurable impact that this matter is having on
17 Donville's wife, Gail, and his son's Kyle and Kofi.

18 I am aware that Donville has asserted his integrity
19 throughout this matter, and plans to work hard to exonerate
20 himself and his reputation.

21 And, your Honor, I come here to stand before you in
22 solidarity with him. So I thank you and the Court for this
23 opportunity.

24 THE COURT: Thank you, sir.

25 MR. HIRSCHHORN: The other witness is Adriel

SENTENCING

1 Brathwaite, who did come in from Barbados. Although he did
2 submit a letter, I believe he wants to amplify briefly on some
3 of his points.

4 THE COURT: All right, sir.

5 MR. BRATHWAITE: My name is Adriel, A-D-R-I-E-L,
6 Brathwaite, B-R-A-T-H-W-A-I-T-E.

7 MR. HIRSCHHORN: Before you start, let me ask you a
8 few questions. Were you formerly the Attorney General of the
9 Barbados?

10 MR. BRATHWAITE: Yes, I was. I served as Attorney
11 General from October 2010 until May 2018.

12 MR. HIRSCHHORN: Are you a QC or Queens Counsel?

13 MR. BRATHWAITE: I am. I've been a practicing law
14 in Barbados for 33 years.

15 MR. HIRSCHHORN: Could you pull that microphone
16 closer to you? Thank you.

17 THE COURT: All right, sir, I'll hear from you.

18 MR. BRATHWAITE: Your Honor, thank you for this
19 brief opportunity to present to you this afternoon on behalf
20 of Donville Inniss. I have made a written submission. I know
21 that written submission would have told you of my relationship
22 with Donville and my experience as Attorney General of
23 Barbados. What it would not have disclosed is that I was also
24 Minister responsible for Home Affairs and, therefore,
25 responsible for the prison system in Barbados.

SENTENCING

1 As such, your Honor, I'm very aware and have
2 embraced the concept of second chances. Indeed, your Honor,
3 I'm aware, I know several individuals, who when offered second
4 chances by the courts Barbados have never come into contact
5 again with the criminal justice system and are making
6 reasonable contributions to the development of our country.

7 I believe, ma'am, that the strength of character,
8 the virtues that Donville Inniss has, his commitment to
9 community service, to the enhancement of his fellow man, his
10 integrity, his character, makes him, in my eyes, a very
11 suitable candidate to be given a second chance, your Honor. A
12 very suitable candidate not to be given a custodial sentence,
13 but to be allowed to be reunited with his family.

14 Your Honor, over the last 32 months -- I've known
15 Donville for 44 years, let me say that -- over the last 32
16 months, I have traveled with him as he has gone through the
17 challenges here in the United States. I've been working, for
18 example, with him over the last 18 months or so trying to, as
19 you've heard, to establish a banking relationship in Barbados
20 because his banks have said to him that they no longer wish
21 his business. I've tried the credit unions who have basically
22 said the same things. So we are faced -- he's faced -- with
23 the situation where almost all of his investments are
24 unattract (ph).

25 Indeed to my certain knowledge, his existence here

SENTENCING

1 over the last 32 months have been largely due to his family,
2 the generosity of his family, and friends like myself who were
3 able to assist him, because finding employment has been almost
4 impossible.

5 I say this to your Honor that it has not been an
6 easy 32 months. And I'm sure that this Court, like Courts in
7 my jurisdiction, will look at the crime that has been
8 committed, the character of the individual, and what has
9 transpired over the last 32 months. It is my hope, your
10 Honor, that you will come to the conclusion that I have come
11 to, which is that Mr. Inniss has been punished over the last
12 32 months and that indeed, your Honor, a custodial sentence at
13 this juncture -- if I might be allowed to express my opinion,
14 your Honor -- because it is my opinion that if we were in
15 Barbados and for the same circumstances and the fact given his
16 character, that it is most unlikely that he would have been
17 given a custodial sentence. It is my hope and pray that you
18 take into consideration the fact that the offenses for which
19 he --

20 MR. MOODY: Your Honor, the Government objects to
21 this. We had a discussion with defense counsel about this
22 very issue and defense counsel --

23 MR. HIRSCHHORN: I agree.

24 MR. MOODY: -- we would not be hearing about
25 Barbadian law and the former Attorney General's personal views

SENTENCING

1 how he would or would not prosecute.

2 MR. HIRSCHHORN: I agree, your Honor. I had an
3 agreement with the Government. I agree.

4 THE COURT: Did you convey that to Mr. Brathwaite?

5 MR. HIRSCHHORN: I did.

6 THE COURT: Sir, as you know, I must apply American
7 law. Mr. Inniss was convicted of offenses against the United
8 States here in the United States. And it is American law that
9 the controls my decision regarding sentencing.

10 I have great respect for your country. I don't mean
11 to minimize it at all. I have great respectful for your
12 public service as Attorney General for Barbados, but I'm
13 confined to American law. I appreciate that judges in
14 different countries have authority to impose sentences that
15 they believe are just under the circumstances.

16 MR. BRATHWAITE: Thank you, your Honor. I will
17 continue accordingly.

18 I'll just adding myself to the words of Mr. Inniss,
19 your Honor, that you exercise your authority with as much
20 mercy as possible. I'm obliged, your Honor.

21 THE COURT: Thank you, sir.

22 MR. HIRSCHHORN: Your Honor, if I might address the
23 balance of my argument, pure argument, now?

24 THE COURT: Of course.

25 MR. HIRSCHHORN: I've been practicing criminal

SENTENCING

1 defense work for 53 years. One thing I learned as a private
2 criminal defense lawyer is all federal crimes are serious;
3 some of course, are more so than others. Which does not -- I
4 do not mean to undermine the seriousness of this offense, but
5 as we laid out in one of our sentencing memoranda, there are
6 far more serious offenses which carry lower offense levels
7 than the way this particular presentence report reads. I'm
8 not quarreling with the Probation Officer. I believe that she
9 computed the offense level the way she read them and the
10 application notes. So while we're asking for the Court to
11 depart downward, from 28 to 24 based on our previously argued
12 legal points, we're asking the Court now to provide relief.
13 And I'm not embarrassed to say that I'm asking the Court to go
14 down to at least an offense level of eight, which would put
15 the defendant in Zone A.

16 THE COURT: Based on what?

17 MR. HIRSCHHORN: Pardon me?

18 THE COURT: Based on what? As you know, sir, the
19 guidelines are --

20 MR. HIRSCHHORN: I apologize.

21 THE COURT: Let me finish.

22 MR. HIRSCHHORN: I'm sorry, Judge, under 3553. The
23 guidelines are what they are.

24 THE COURT: And they are advisory. And I
25 acknowledge that they are not binding on me. But they are

SENTENCING

1 required to be consulted and given due respect.

2 MR. HIRSCHHORN: We made that point and you know
3 that point better than I do. You've had more sentences in
4 your career than I have.

5 THE COURT: I don't know about that, if you've been
6 at it for 53 years.

7 MR. HIRSCHHORN: Under 3553, I would ask the Court
8 to put us in the category that would make probation with
9 appropriate conditions a reasonable offense, not greater than
10 necessary, and consistent with 18 U.S.C. Section 3553.

11 It is troubling to me the nexus to the United
12 States; yes, the transport to a U.S. bank for conduct in
13 Barbados. That's for an appellate court.

14 Comparative sentences. We've addressed the
15 seriousness of the Federal Sentencing Guidelines overstate the
16 seriousness of the conduct as we perceive it. As we laid out
17 in our reply to the Government's response to the defendant's
18 sentencing memo, the guidelines as calculated, even if by the
19 Probation Department and the Government's position is 78 to 97
20 months, even taking my application and agreeing on the two
21 adjustments that takes us down to 63 months.

22 Typically money laundering sentences in this
23 district, according to the statistics provided in our reply to
24 the Government's sentencing memorandum, the average sentence
25 for defendants was 23 months, with a median sentence being six

SENTENCING

1 months. Then we offer you several examples from the Eastern
2 District of New York.

3 Defendant \$141,300, sentenced 48 months. Defendant
4 was Jonathan Flom. Michael Dodd and others conspired to
5 launder \$2.2 million of fraudulently obtained proceeds from a
6 securities scheme. The sentences ranged 33 months, 27 months,
7 24 months.

8 THE COURT: But you're requesting probation,
9 correct? You're requesting no time in custody.

10 MR. HIRSCHHORN: I'm sorry, Judge?

11 THE COURT: You are requesting probation. You are
12 requesting no custodial time.

13 MR. HIRSCHHORN: Correct.

14 THE COURT: Even in your own cases that you cite,
15 the judge was compelled to impose a custodial sentence on the
16 defendants.

17 MR. HIRSCHHORN: There is -- none of the cases I
18 cited imposed a custodial sentence. But each of the cases I
19 cited indicate significantly far more serious conduct ranging
20 from laundering \$5 billion of narcotics proceeds, and the
21 sentences range in this district from 21 months to 33 months,
22 one person got time served.

23 I don't need to repeat it, except I think you
24 understand my point. That this is a conviction involving the
25 sum total of \$38,000 in connection with two payments that were

SENTENCING

1 made for a premium on an insurance policy or policies. At the
2 time that IBCL -- up until 2015, IBCL had 100 percent of the
3 premium business that they charged to the Government of
4 Barbados.

5 In 2015, IBCL's share was reduced from 70 to
6 30 percent. Because for a brief period of time the split was
7 50/30/20 percent among three insurance companies. The
8 determination was made that the insurance company that was
9 going to provide 20 percent of the insurance was not as sound
10 as the other two. So in 2015 when the first payment was made,
11 the insurance split was 70 percent to IBCL and 30 percent to
12 another company.

13 In 2016 when the second payment was made, it
14 remained at 70 percent and 30 percent.

15 Since 2017, it has been 55 percent for IBCL, and
16 45 percent for the other insurance company.

17 So the question really is, for us, is recognizing
18 that this is a serious crime. Cases have made it clear that
19 where the guideline overstates the seriousness of the crime
20 under 3553 all factors considered, the Court can -- and I
21 respectfully suggest in this case should -- grant an
22 appropriate relief so that probation with appropriate
23 conditions, whether it's house arrest, or certainly linked
24 with community service, and any other appropriate conditions
25 the Court deems proper.

SENTENCING

1 The defendant's been on ankle bracelet monitoring
2 for 32 months. He has no passport. He's not a risk of
3 flight. He has been in a very real sense, as he told you,
4 locked up in this country. He has announced on the record
5 through me and will reannounce, that when this matter is over
6 he intends to return to Barbados on a voluntary basis, as
7 opposed to going through the mandatory deportation for
8 conviction of a crime that would ultimately occur through
9 immigration.

10 I'd like to reserve the right, Judge, if I might, to
11 address, depending on what your sentence is, some other
12 matters. I know the Court is aware of the defendant's health
13 condition. I don't know if it's in the memo or not, but he
14 has been COVID-19 vaccinated.

15 THE COURT: That's good to know.

16 MR. HIRSCHHORN: I didn't want to mislead the Court
17 in any way. He has been. But I still think the Bureau of
18 Prisons would be reluctant to add to its straining population
19 any way, I would hope so, but he has been vaccinated.

20 THE COURT: More than two weeks ago?

21 MR. HIRSCHHORN: March 10, your Honor.

22 THE COURT: Thank you. Are you finished, sir?

23 MR. HIRSCHHORN: I apologize, your Honor.

24 I just wanted to conclude by saying that I believe
25 the totality of the circumstances together with what we pride

SENTENCING

1 in this country as even-handed and fair justice, suggests that
2 probation with appropriate conditions is a fair and just
3 sentence. Thank you.

4 THE COURT: Thank you. Does the Government wish to
5 be heard?

6 MR. MOODY: Yes, your Honor.

7 Given that your Honor has, I'm sure, thoroughly
8 reviewed our submission with regards to the guidelines, we'll
9 rest on our submission given that you said you were ready to
10 rule. Unless you would like to ask any questions.

11 THE COURT: I'm ready to rule on the objections. If
12 you would like to address the request for basically a
13 probationary sentence, I understand that the Government seeks
14 a guideline sentence in this case.

15 MR. MOODY: That's correct, your Honor.

16 Briefly, your Honor, I'd like to respond to what I
17 think what defense counsel's argument boils down to, which is
18 that there was no harm here, no one was harmed.

19 I think that it's important to focus first on the
20 fact that the reason this question of harm is before the Court
21 is because the defendant chose to accept tens of thousands of
22 dollars in bribes in U.S. bank accounts for taking actions to
23 help ICBL, the Insurance Corporation of Barbados, when the
24 Government contract.

25 ICBL got what it paid for. Defense counsel went

SENTENCING

1 through it himself. In 2014, before the first bribe, ICBL had
2 50 percent of the BIDC contract. In the next two years, 2015
3 and 2016, it got 70 percent. The year after the final bribe,
4 it went back to 55 percent. You can see there that the bribes
5 themselves distorted the market.

6 What I think is more important is that there is a
7 reason why under both Barbadian law and U.S. bribery law the
8 question of harm, whether the Government official did or did
9 not do what they were bribed to do, is not required to prove a
10 conviction. And that's because taking a bribe is in and of
11 itself harmful. The act by itself undermines the foundational
12 principles that public officials should act in the interest of
13 the public, and never for their own personal financial gain.

14 The defendant's actions undermined the integrity of
15 the U.S. financial system. The U.S. Patriot Act made clear
16 that Congress take this is crime seriously. The U.S.
17 financial system is not to be used in furtherance of what the
18 UN Convention called insidious playing of corruption.

19 We agree with defense counsel, that general
20 deterrence is a very important issue here. International
21 corruption is rampant. And the U.S. financial system is an
22 attractive place for corrupt foreign officials, like the
23 defendant, to stash or invest their bribes. These cases are
24 difficult to detect and prosecute. The defendant and his
25 co-conspirators in this case made sure of that.

SENTENCING

1 The defendant's scheme involved multiple foreign
2 countries, multiple bank accounts, multiple foreign domestic
3 companies, and multiple fake invoices for services that were
4 never provided. In fact, as we heard at trial, the only
5 reason the defendant got caught is because a lot of things
6 happened in exactly the right way to make that possible.

7 BF&M, ICBL's parent company noticed that the bribe
8 payments looked odd. John White, the CFO of BF&M, he
9 confronted the ICBL executives and he unearthed the bribery
10 scheme. BF&M disclosed those to facts to the U.S. Government.
11 Two foreign countries were involved, foreign bank accounts,
12 foreign witnesses, and that's why deterrence is so critical.
13 Because there are so many opportunities for corrupt officials,
14 like the defendant, to get away with laundering bribes in the
15 U.S. So it's important to hold them accountable when they get
16 caught.

17 I think the harm here goes to more just general
18 deterrence, it goes to the seriousness of the offense. Quite
19 frankly, the need specifically to deter the defendant from
20 committing future crimes.

21 The defendant took part in a long, complicated
22 scheme to receive two separate bribes and launder them through
23 the U.S. banking system. It was a deliberate, calculated
24 crime. It wasn't a one-time slip up.

25 Now, the defendant's submission claims that his

SENTENCING

1 global career is over. But unfortunately, I think it's fair
2 to say that's not always the case, even for following
3 politicians even following a felony conviction.

4 What is more -- this is important I think -- the
5 defendant is creating a narrative that he was a victim of U.S.
6 Government overreach. He even suggested that one of the
7 Government's witnesses committed a crime in Barbados for doing
8 the very thing he did himself, creating a fake invoice for
9 consultancy payments. Which is not only hypocritical given
10 that he's maintaining his innocence, but also borders on
11 intimidation.

12 The power dynamic here is very important. The
13 defendant is a former, high-level Government official in
14 Barbados, very powerful, well-known person. He's singling out
15 a much less powerful person who testified in his trial,
16 suggesting that person should be investigated, while claiming
17 he's innocent.

18 While the Government completely respects the
19 defendant's right to appeal and maintain his innocence, the
20 defendant's own words to the press show that he hasn't been
21 specifically deterred from committing criminal conduct.

22 So for that reason, your Honor, the Government
23 believes that a guideline sentence is appropriate in this
24 case.

25 MR. HIRSCHHORN: Excuse me, your Honor, could I

SENTENCING

1 briefly?

2 THE COURT: Yes, you may briefly.

3 MR. HIRSCHHORN: Maybe it's acoustics, I certainly
4 hope I didn't hear what I think I heard, that the defendant's
5 actions undermined the United States financial system?

6 MR. MOODY: That's correct.

7 MR. HIRSCHHORN: \$38,000 and this country's
8 financial system is at risk? Multiple bank accounts that I
9 believe the prosecutor just attributed to this man? He's got
10 a bank account in Barbados and in the United States.

11 If they have proof of multiple bank accounts, I will
12 withdraw my request for probation. You can't make a statement
13 like that and throw it in the courtroom without any evidence.

14 THE COURT: He didn't say that Mr. Inniss had
15 multiple bank accounts. He said that the crime committed by
16 Mr. Inniss, that is the receipt of the bribe and the attempt
17 to launder money, involved multiple bank accounts.

18 MR. HIRSCHHORN: Who's bank accounts?

19 THE COURT: No, sir. The proof at trial
20 demonstrated that money went from the insurance company
21 via fake invoice for bogus consulting services that were never
22 provided --

23 MR. HIRSCHHORN: Correct.

24 THE COURT: -- to the parent company in Bermuda. So
25 from Barbados to Bermuda, then to an account in Elmont, New

SENTENCING

1 York, under the name of a nominal party who was an associate
2 of Mr. Inniss', and then from that account into an account
3 under the control of Mr. Inniss.

4 Two accounts in the United States were implicated in
5 this money laundering scheme. And whether or not you think
6 that \$36,000 undermines the American financial institutions,
7 what American financial institutions don't want is the
8 proceeds of illicit activity running through accounts from
9 other countries or domestically.

10 MR. HIRSCHHORN: I agree --

11 THE COURT: The financial institutions cannot be
12 used to launder corrupt proceeds.

13 MR. HIRSCHHORN: I agree. We don't want that --

14 THE COURT: Maybe it's a drop in the bucket in your
15 mind, but if everybody felt that it was appropriate to use
16 American financial institutions to launder their ill-gotten
17 gains, we would have a problem.

18 MR. HIRSCHHORN: Your Honor, I absolutely agree.
19 But to say we undermined the system, as opposed to abused the
20 system, is entirely two different things. You're right. I
21 had treated the transfer to the parent company as one instead
22 of two transfers. So a total of four -- I guess four is
23 multiple -- the way it comes out, it sounds far worse than the
24 reality.

25 THE COURT: I understand that.

SENTENCING

1 MR. HIRSCHHORN: I --

2 THE COURT: I understand that you're making
3 arguments that perhaps are better addressed to Congress. It's
4 my obligation to follow the law. The U.S.A. Patriot Act was
5 amended specifically to deter money laundering crimes.

6 MR. HIRSCHHORN: I understand.

7 THE COURT: Especially proceeds derived against a
8 foreign nation involving bribery of a public official, that's
9 18 U.S. Code Section 1956(c)(7)(B)(4). The legislative
10 history of that act makes it clear that Congress considered
11 this offense as specified unlawful activity and to be a
12 serious one to send, quote, "a strong signal that the United
13 States will not tolerate the use of its financial institutions
14 for the purpose of laundering the proceeds of such
15 activities."

16 So whether or not you agree with the U.S.A. Patriot
17 Act and Congress' intent in passing that act, it is the law.

18 MR. HIRSCHHORN: I don't disagree with the law,
19 Judge. It's the application for the amount of money involved.

20 THE COURT: There is no exception for a little bit
21 of bribe money, sir. Money laundering that is the result of
22 illicit proceeds is a crime.

23 And you can write your Congressman and ask that the
24 law be amended to exclude all bribes under \$36,000, if you
25 think that's a travesty. But that's what Congress legislated

SENTENCING

1 that's what our law prohibits.

2 MR. HIRSCHHORN: I don't disagree with the Court. I
3 have a problem with the sentencing guidelines and the
4 Government's request predicated on, one, the amount; two, this
5 man who stands before you as a first offender whose life is in
6 total ruin; and that --

7 THE COURT: Is that because of the Government's
8 prosecution? Or is it because of your client's free choice to
9 engage in certain activities, which happen to be illegal.

10 MR. HIRSCHHORN: It's his conduct. But he still
11 stands before you as a first offender, Judge.

12 THE COURT: I understand that. He'll be given
13 consideration for that fact.

14 MR. HIRSCHHORN: A lifetime of good deeds. The
15 give-back into the community is far more than, I respectfully
16 suggest, he took out. And you heard his humble statement.
17 Every word of that was written by him. I had nothing to do
18 with the preparation of that statement.

19 THE COURT: I appreciate that. I believe Mr. Inniss
20 expressed some sincere thoughts about where he is and what led
21 him to be here today, and where he hopes to go in the future.
22 I've not questioned his sincerity, or whether his lawyer
23 directed his statement.

24 Mr. Inniss is well-educated, he's eloquent, and he
25 spoke very sincerely about his view of the situation.

SENTENCING

1 Was the Government finished?

2 MR. MOODY: Yes, your Honor.

3 THE COURT: Was there anything else from you, sir?

4 MR. HIRSCHHORN: No, your Honor.

5 THE COURT: Mr. Inniss did submit a number of
6 letters from friends and family, and has friends and family
7 here today. I want to thank all of you for taking the time
8 from your busy schedules and difficult circumstances to write
9 a letter in support of Mr. Inniss.

10 Certainly I've had the opportunity to observe Mr.
11 Inniss throughout these proceedings. He's conducted himself
12 very appropriately. And what I do want to say is that your
13 letters have given me a more full, holistic picture of
14 Mr. Inniss.

15 He stands convicted in this court of three serious
16 federal offenses. But every person is more than the worse
17 thing they've ever done. I recognize that Mr. Inniss has a
18 distinguished career. He's worked hard. He comes from humble
19 beginnings. His father was a fisherman, his mother a
20 homemaker. He was one of eight children. He rose through his
21 own hard work and efforts through the educational ranks and
22 became a well-regarded, well-known member of Parliament and
23 Minister. It is unfortunate that those, that very
24 accomplished career, opened a door to the corrupt behavior
25 that led us to this day.

SENTENCING

1 But I do want to say to everyone who wrote a letter,
2 that your letters are meaningful. They've been read. I've
3 thought hard about them and they factored into my
4 consideration as to the appropriate sentence to impose on
5 Mr. Inniss. So thank you for your time.

6 The presentence report and the Government calculated
7 Mr. Inniss' guideline total adjusted offense level as 28. His
8 criminal history category as a first-time offender is one.
9 The corresponding advisory guideline range of imprisonment is
10 between 78 and 97 months.

11 Defense counsel submits that the correct computation
12 of the guidelines should be a total adjusted offense level of
13 24, rather than 28, which results in an advisory guideline
14 range of sentence between 51 and 63 months in custody.

15 Specifically defense counsel disagrees and has
16 objected to the calculation on two grounds. First, defendant
17 objects to two-level enhancement pursuant to Guideline
18 2C1.1(b)1, because the offense conduct involved more than one
19 bribe. Second, defense counsel objects to a two-level
20 enhancement under Guideline 2S1.1(b) (2) (B) because the offense
21 involved sophisticated money laundering.

22 The Probation Department has rejected this objection
23 and the Government agrees with the Probation Department's
24 position.

25 With respect to the first objection, the Government

SENTENCING

1 responds that as the evidence at trial demonstrated,
2 Mr. Inniss agreed to accept, and did accept, two distinct
3 bribe payments from the Insurance Corporation of Barbados
4 Limited, ICBL. I think parties have been referring to this as
5 IBCL, but in fact it is ICBL, Insurance Corporation of
6 Barbados Limited.

7 The corresponding application note of Section
8 2C1.1(b)1 states that, quote, "related payments that in
9 essence constitute a single incident of bribery or extortion
10 e.g. a number of installments payments or a single action, are
11 to be treated as a single bribe or extortion." The United
12 States Court of Appeals for the Second Circuit, which controls
13 here, ruled in *United States v. Arshad*, 239 F.3rd 276 at page
14 281, decided in 2001, that quote, "multiple payments meant to
15 influence more than one action should not be merged together
16 for purposes of Section 2C1.1 merely because they share a
17 single overall goal or are part of a larger conspiracy to
18 enrich a particular defendant or enterprise."

19 Although the two payments to Mr. Inniss involved the
20 same actors, I find that they should not be merged together as
21 one bribe.

22 The Second Circuit held the same in *United States v.*
23 *Soumano*. In *Soumano* the defendant had contacted the Social
24 Security Administration claims representative to acquire
25 Social Security cards for undocumented individuals. The

SENTENCING

1 claims representative contacted federal officials and a sting
2 operation was implemented. The sting involved two meetings.
3 And each time the defendant provided money in exchange for
4 Social Security cards. The Second Circuit held that although
5 the method of payment was the same each time, the two bribes
6 had occurred because the payments were not installments and
7 were meant to influence two separate actions.

8 The Soumano court applied three factors to determine
9 whether a single bribe or multiple bribes were paid. First,
10 whether the payments were made to influence a single action.
11 Second, whether the pattern and amounts of payment bear
12 hallmarks of an installment or partial payment of a fixed sum.
13 And third, whether the method for making each payment was the
14 same. That's at 318 F.3rd at page 137.

15 I find that the bribes in this case were sought by
16 and paid to the defendant for separate incidents. Both times
17 payments were made from ICBL through BF&M to an account in the
18 name of Crystal Dental Lab, also referred to as CDL. But each
19 bribe payment to Mr. Inniss involved the award by the Barbados
20 Investment and Development Corporation, referred to here as
21 BIDC. And that was a decision made by a Government board, the
22 members of which were appointed by Mr. Inniss. Mr. Inniss in
23 effect controlled the BIDC board.

24 There were two separate ICBL contracts with terms
25 respectively of eight and a half months for the 2015 contract;

SENTENCING

1 and one year for the 2016 contract. Each of the two separate
2 bribe payments by ICBL to Mr. Inniss was calculated based on a
3 percentage of the premium amount of the policy that BIDC, the
4 Government agency, paid in exchange. The BDIC paid for the
5 policy, and ICBL was awarded the policy and the premiums that
6 came with it after paying the bribes to Mr. Inniss.

7 Defense counsel also objects to the two-level
8 enhancement for sophisticated laundering under Guideline
9 2S1.1(b)(3) and contends that the defendant's money laundering
10 scheme was typical and not sophisticated. Defense counsel
11 argues that Mr. Inniss' conduct, quote, "did not entail
12 multiple levels of layering or integration to disguise the
13 source of the proceeds," end quote.

14 The Government refutes defendant's objections to the
15 sophisticated means enhancement and argues that the guidelines
16 define sophisticated money laundering as, quote, "complex or
17 intricate offense conduct pertaining to the execution or
18 concealment of the 18 U.S. Code Section 1956 offense." That's
19 Guideline 2S1.1(b)(3), comment note 5(A).

20 The guidelines note that sophisticated money
21 laundering often involves fictitious entities, shell
22 corporations, two or more levels of transactions, or offshore
23 financial accounting. The Government contends that Mr. Inniss
24 used several of these methods to warrant the two-level
25 enhancement to a sentence.

SENTENCING

1 This money laundering scheme involves a level of
2 sophistication to warrant the two-level enhancement as to
3 Mr. Inniss' guideline calculations.

4 As the defendant did in *United States v. Abdullaev*,
5 761 F. App'x 78 at 86, decided by the Second Circuit Court of
6 Appeals in 2019, Mr. Inniss also used his associate's dental
7 practice, Crystal Dental Lab, in a manner analogous to a
8 fictitious or shell corporation to make bribe payment
9 transactions appear legitimate and to cover his tracks, which
10 amounted to a sophisticated transaction.

11 As we know, in order for the insurance company to
12 obtain the award of the contract from the Barbadian Government
13 agency, executives there created a fictitious invoice from the
14 dental lab. Concern that it should not appear on the books of
15 the Barbadian company, the invoice was sent to the parent
16 company in Bermuda. So the fake invoice for non-existent
17 consulting services, were created by ICBL payable to the
18 Crystal Dental Lab. Payments were made then by ICBL's parent,
19 BF&M in Bermuda, and payments were wired to the Crystal Dental
20 Lab bank account here in New York for which Mr. Inniss
21 provided account information. The funds deposited by BF&M,
22 the parent company, to the Crystal Dental Lab bank account
23 were then transferred to the Bank of America account in the
24 name of Mr. Inniss.

25 Defendant also, quote, "employed multiple layers of

SENTENCING

1 laundering by using offshore accounts in Barbados and in
2 Bermuda to send laundered funds to his New York accounts."
3 This further justifies a two-level enhancement. See *United*
4 *States v. Amaris-Caviedes*, 701 F. App'x 84 at 86, decided by
5 the Third Circuit in 2017.

6 Is there anything further that Mr. Inniss objects to
7 regarding the presentence report?

8 MR. HIRSCHHORN: No, your Honor.

9 THE COURT: I will now review the factual background
10 that led us to this sentencing today, then I will
11 independently calculate the total adjusted offense level and
12 Mr. Inniss' criminal history category under the advisory
13 guidelines, which are not binding on the Court but I must give
14 them respectful consideration.

15 In August 2019 Mr. Inniss was charged in a
16 three-count second Superseding Indictment with conspiracy to
17 commit money laundering, Count One, in violation of 18 U.S.
18 Code Section 1956(h). And two counts of money laundering in
19 violation of 18 U.S. Code Section 1956(a)(2)(A).

20 Between August 2015 and April 2016, Mr. Inniss,
21 using his position as a member of Parliament and the Minister
22 of Industry of the Government of Barbados, engaged in a scheme
23 to accept \$36,536.73 in bribes from Ms. Inniss, who was then
24 CEO of the Insurance Corporation of Barbados Limited, ICBL.
25 And Mr. Tasker, then-senior Vice President of ICBL, in

SENTENCING

1 violation of Barbadian law. The proceeds of these bribes were
2 the laundered to and through the United States.

3 Mr. Inniss using his official position as Minister
4 of Industry caused the Barbados Investment and Development
5 Corporation, a Government agency of Barbados and over which
6 Mr. Inniss exercised authority, to renew two insurance
7 companies with ICBL. These are two separate contracts with
8 two separate terms, and two separate amounts.

9 In July 2015 Mr. Inniss caused the BIDC to renew an
10 insurance contract with ICBL. And the 2015 contract required
11 the BIDC to pay a premium of approximately \$661,469.30 in
12 Barbadian dollars, or roughly \$330,734.65 to ICBL. In return,
13 ICBL employees, including the other two defendants, agreed to
14 pay a bribe of approximately 16,536.73 U.S. to Mr. Inniss in
15 consideration of his role in causing the BIDC to renew the
16 2015 contract.

17 This bribe represented 5 percent of the total
18 premium that the Government and BIDC owed to ICBL under the
19 2015 contract. Again these are public funds of the people of
20 Barbados.

21 In concealment of the bribe, Mr. Inniss arranged to
22 launder the bribes through a bank account in the Eastern
23 District of New York in the name of Crystal Dental Lab.
24 Payment was routed from Crystal Dental Lab to accounts of
25 Mr. Inniss at Bank of America located in Brooklyn.

SENTENCING

1 On August 17, 2015, ICBL's parent company, BF&M
2 Limited in Bermuda, transferred \$16,536.73 to the Crystal
3 Dental Lab bank account in New York based on a false invoice
4 purported consulting services that CDL did not actually
5 provide.

6 On August 19, 2015, Crystal Dental Lab transferred
7 approximately \$50,000 to a bank account in the name of
8 Mr. Inniss via check payable to Mr. Inniss.

9 In March 2016, Mr. Inniss caused the BIDC to renew
10 another insurance contract with ICBL. In return, ICBL
11 employees agreed to pay an additional bribe of approximately
12 \$20,000 to Mr. Inniss. Again, this is via an invoice that
13 Mr. Inniss provided based on the prior transaction, in
14 consideration for having caused the BIDC to renew the 2016
15 contract with ICBL.

16 On April 18, 2016, the parent company, BF&M Limited
17 transferred approximately \$20,000, the amount requested by
18 Mr. Inniss in his invoice, the fake invoice, to the Crystal
19 Dental Lab bank account based on a false invoice for purported
20 consulting services that were never provided.

21 On April 25, 2016, Crystal Dental Lab made transfers
22 of approximately \$9,000 and \$8,000 to bank accounts in the
23 United States in the name of Mr. Inniss via checks made
24 payable to Mr. Inniss.

25 I would add an interesting note, that in the United

SENTENCING

1 States, transactions that are \$10,000 must be reported. These
2 transactions were under \$10,000 and were transferred to
3 Mr. Inniss from the Crystal Dental Lab bank accounts.

4 On April 27, 2016, Crystal Dental Lab transferred
5 approximately \$2,750 to a bank account in the United States in
6 the name of Mr. Inniss via a check made payable to Mr. Inniss.

7 I have independently applied the 2018 advisory
8 guidelines to calculate the offense level and guidelines range
9 here. Upon respectful consideration of those guidelines and
10 the presentence report, I compute Mr. Inniss' offense level
11 and adjustments as follows.

12 For violation of 18 U.S.C. Code Section 1956, the
13 money laundering statute, the Court looks to Guideline 2S1.1,
14 which directs the base offense level to be derived from the
15 guideline for the underlying conduct if the defendant
16 committed the underlying conduct and the offense level for
17 that offense can be determined. The underlying conduct is
18 receiving a bribe, which provides an initial base offense
19 level of 14. Because the instant offense involved \$36,536.73
20 in laundered funds, there is a factual basis for finding that
21 Mr. Inniss laundered more than \$15,000. Thus, an additional
22 four levels are added pursuant to advisory Guideline
23 2C1.1(b)(2).

24 Because Mr. Inniss engaged in more than one bribe,
25 an additional two levels are added under Guideline

SENTENCING

1 2C1.1(b) (1) .

2 Finally because Mr. Inniss used his position as the
3 Minister of Industry of Barbados in furtherance of the
4 offenses, the offense level is increased by four levels
5 pursuant to 2C1.1(b) (3). The final base offense level is thus
6 24.

7 With regard to specific offense characteristics,
8 Mr. Inniss was convicted of conduct covered under 18 U.S. Code
9 Section 1956, that results in two levels being added under
10 Guideline 2S1.1(b) (2) (B). Because the offense involves
11 sophisticated laundering, the offense level is increased by
12 two levels under Guideline 2S1.1(B) (3).

13 There are no adjustments for victims or obstruction
14 or related adjustments. No adjusts for acceptance of
15 responsibility.

16 We end up with a level 28 as the offense level.

17 According to the presentence report, Mr. Inniss has
18 no prior criminal convictions apart from the instant offense.
19 Therefore, under Guideline 4A1.1 and the sentencing table of
20 the advisory guidelines, Mr. Inniss has a criminal history
21 category of one. There are no other charges that need to be
22 dismissed here. He was convicted of all charges set forth in
23 the Indictment.

24 If there is anything else the parties would like me
25 to consider before we move forward I'm happy to do so.

SENTENCING

1 MR. HIRSCHHORN: No, your Honor.

2 MR. MOODY: No, your Honor.

3 THE COURT: I'll now review the sentencing options
4 under the criminal code and the advisory guidelines.

5 The maximum term of imprisonment for a violation of
6 18 United States Code, Section 1956A2A and 1956H is 20 years.
7 There is no minimum term.

8 According to the advisory sentencing table of the
9 guidelines, the Court has independently calculated a range of
10 sentence for an adjusted offense level of 28, and criminal
11 history category of one, resulting in a range of sentence
12 between 78 to 97 months.

13 Under the Criminal Code 18 U.S. Code Section
14 3583(b)(2), if a term of imprisonment is imposed, a supervised
15 release term of not more than three years may be imposed.
16 Because the offense of is a Class C felony, the guidelines for
17 supervised release is between one and three years under
18 Guideline 5D1.2(a)(2).

19 Mr. Inniss, as we know, has requested probation.
20 The offenses in this case are Class C felonies. Mr. Inniss is
21 eligible for between one and five years of probation Under 18
22 United States Code, Section 3561(c)(1).

23 Unless extraordinary circumstances exist, the Court
24 must also impose a fine, restitution or community service as a
25 condition of a probation under Section 3563(a)(2).

SENTENCING

1 Because the applicable guideline range is in Zone D
2 of the sentencing table, Mr. Inniss is not eligible for
3 probation under Guideline 5B1.1, comment two. The statute, 18
4 U.S. Code Section 1956(a) (2) (A) and 18 United States Code
5 Section 3571(b) (1) provides for a maximum fine of \$500,000.
6 According to Guideline Section 5E1.2(c) (3) the recommended
7 fine is between \$25,000 to \$250,000.

8 I am permitted under the guidelines to excuse
9 Mr. Inniss from paying a fine if I find that he is not able to
10 pay a fine and not likely to be able to pay a fine. I believe
11 the presentence report and Mr. Inniss' submissions have
12 established that Mr. Inniss is not likely to be able to pay a
13 fine and does not have current ability to pay a fine. Nor the
14 Probation Department nor the Government have indicated that
15 restitution should be imposed here because no victim or loss
16 has been identified. The PSR does note, however, that
17 restitution would be mandatory if such a victim had been
18 identified.

19 Mr. Inniss was subject to an order of forfeiture.
20 He consented to the forfeiture in the full amount of
21 \$36,536.73. That amount has been ordered and I ask whether
22 Mr. Inniss has paid any of his forfeiture obligation?

23 MR. HIRSCHHORN: He has not, your Honor, upon my
24 advice, only because it seems to me to have been inconsistent
25 with his attempt to take an appeal.

SENTENCING

1 THE COURT: The forfeiture will be made part of the
2 judgment, so he may appeal that as well if he wishes to do so.

3 Under 18 U.S. Code Section 3013 a \$100 mandatory
4 special assessment must be imposed on each count of
5 conviction. He was convicted of three counts and, therefore,
6 he owes \$300 in mandatory assessments.

7 Are there any other matters that either Mr. Inniss
8 or the Government wish to raise at this time?

9 MR. HIRSCHHORN: Your Honor, depending where your
10 sentence is, I have a request for recommendations.

11 THE COURT: I will hear from you in a moment on
12 that. I do want to advise Mr. Inniss of his right to appeal
13 since we know that is what you wish to do, sir.

14 You must appeal your sentence within 14 days of
15 judgment being entered in your case. We may not be able to
16 enter judgment today, but we believe we can do so by tomorrow.
17 If you cannot afford to pay the filing fee for an appeal, and
18 you'll have to establish that you are in fact indigent without
19 any funds, you may apply for leave to file your appeal without
20 paying the fee if you can establish that you are indigent. If
21 you request, the Clerk of the Court will prepare and file a
22 notice of appeal on your behalf.

23 I would ask defense counsel to take all necessary
24 steps to protect his client's right to appeal and to have
25 counsel on appeal. Will you do that, sir?

SENTENCING

1 MR. HIRSCHHORN: Yes, of course.

2 THE COURT: Fourteen days from judgment being
3 entered.

4 Is the Government in possession of any property that
5 Mr. Inniss had at the time of his arrest that must be
6 returned?

7 MR. MOODY: Not that I'm aware of.

8 MR. HIRSCHHORN: Nothing other than his passport.

9 THE COURT: The passport will be held until the
10 entire sentence is satisfied, that includes any supervised
11 release term.

12 In determining the sentence I've given respectful
13 consideration to the advisory guidelines, which are not
14 mandatory or even presumptively reasonable, as counsel points
15 out. I have considered the factors in addition to the
16 guidelines that are set forth in the criminal code 18 U.S.
17 Code Section 3553(a) 1 through 7.

18 First, I've considered the nature and circumstances
19 of Mr. Inniss' offenses and find that his offenses are
20 serious. Specifically, in his role as a high-ranking public
21 official of the country of Barbados. He conspired with others
22 to conduct one or more monetary transactions involving at
23 least one financial institution in and effecting interstate
24 commerce, while he knowingly received proceeds from the
25 unlawful activity of bribing, soliciting and receiving bribes,

SENTENCING

1 in violation of 18 U.S. Code Section 1956.

2 Through money laundering Mr. Inniss received two
3 bribes totaling \$36,536.73 in exchange for causing the BIDC
4 board to award insurance contracts to ICBL.

5 Second, I've also considered Mr. Inniss' personal
6 characteristics, family history and circumstances. Again, he
7 has a lot to be proud of.

8 He was born in Barbados and January 1st, 1966. He's
9 one of eight children born to the marital union of Joseph and
10 Jasmine Inniss. Mr. Inniss grew up in poor, yet stable and
11 loving family circumstances free from any abuse. Both of
12 defendant's parents have passed away. His father was a
13 fisherman, as we noted. Mr. Inniss has maintained good
14 relationships with all of his six siblings. One sibling
15 resides in New York, the others reside in Barbados.

16 Mr. Inniss married Gail Williams Inniss in Barbados
17 on July 15, 2000. Together they have two children ages 19 and
18 24. Ms. Williams Inniss is not currently employed, although
19 she has experience as a phlebotomist.

20 Mr. Inniss holds a Master's degree in Business
21 Administration from the University of the West Indies in
22 Barbados. And he's currently enrolled in an online doctorate
23 program through Walden University in Michigan.

24 Mr. Inniss resided in Barbados until 1994, when he
25 moved to New York City until 1996. In 1996 he then returned

SENTENCING

1 to Barbados until 2000. And since 2000 he has traveled back
2 and forth between Barbados, New York City, and Tampa. And has
3 had a permanent resident status in the United States.

4 Mr. Inniss is currently resides in his home in Tampa, Florida.

5 Mr. Inniss' family was reportedly in Barbados and
6 had been unable to return back to Tampa because of the
7 COVID-19 pandemic. It appears at least his wife was able to
8 return.

9 Mr. Inniss was arrested in Middle District of
10 Florida on August 6, 2018, for the instant offense.

11 On January 16, 2020, he was found guilty by a jury
12 of the three counts of the second Superseding Indictment,
13 including one count of money laundering conspiracy and two
14 counts of a money laundering.

15 Mr. Inniss asserts that he has health concerns
16 including Type II diabetes, hypertension, and high
17 cholesterol. He's prescribed a variety of medications for
18 each of these conditions.

19 Mr. Inniss does not have a history of mental illness
20 or emotional problems. He does not have a history of illicit
21 abuse or alcohol abuse.

22 Mr. Inniss has devoted years of public service to
23 the people of Barbados. He served as a member of Parliament
24 and Minister of Industry International Business Commerce and
25 Small Business in Barbados from 2008 through May 2018. I

SENTENCING

1 believed he also served the Barbados Foreign Service for a
2 short period as advice counsel.

3 Mr. Inniss received a salary of \$70,000 per year in
4 his role as Minister. Mr. Inniss has not been employed since
5 May 2018, but he receives a pension of \$2,300 per month from
6 his position as Minister of Industry from the Barbadian
7 Government. According to Pretrial Services Mr. Inniss
8 maintains a monthly income of \$2,300. His monthly expenses
9 total approximately \$2,456. He has several lines of credit
10 and his total net worth is approximately \$57,965. Based on
11 his financial profile, again, he appears unable to pay a fine.
12 The Government has not identified victims who would be
13 entitled to restitution.

14 I've considered all of the letters of support for
15 Mr. Inniss' family members and friends. He's described as a
16 caring father who serves as a role model to his sons.

17 Mr. Brathwaite, former Attorney General of Barbados,
18 from 2010 to 2018, has known Mr. Inniss over 44 years. And
19 has stated that he is generous and socially responsible. He
20 also spoke very eloquently on behalf of his friend here today.

21 Terrence Inniss, Mr. Inniss' brother, described
22 Mr. Inniss as one of the most engaging and enlightening
23 politician of his era. The President of Barbados Association
24 of Central Florida, Dale Husbands, stated that Mr. Inniss is,
25 quote, "instrumental in assisting in the development of the

SENTENCING

1 Barbados diaspora in middle Florida by bringing members
2 together for social and charitable events, fundraising, and
3 soliciting support from both private and public sectors in
4 Barbados."

5 Ms. Shelly Weir, an NGO management specialist in
6 Barbados, provided the Court with background as to Mr. Inniss'
7 charitable contributions during his tenure as the Minister of
8 Industry in Barbados.

9 All of this speaks well and has been given serious
10 consideration by the Court.

11 I've also considered the policy statement issued by
12 the sentencing commission the need to avoid unwarranted
13 sentencing disparities. And I believe the Government makes a
14 good point about general and specific deterrence as another
15 factor that I must consider.

16 It is important that generally the public know that
17 illicit proceeds, of whatever origin, not be laundered through
18 the United States financial institutions. As we know, the
19 United States Convention Against Corruption has described the
20 ills of corruption, among others, "corruption is an insidious
21 plague that has a wide-range effects on societies. And
22 undermines democracy and the rule of law could lead to
23 violations of human rights, distorts markets, here the
24 insurance market, erodes the quality of life, and allows
25 organized crime, terrorists, and other threats to human

SENTENCING

1 security to flourish."

2 The evil of corruption is found in all countries,
3 unfortunately. Corruption undermines the Government's ability
4 to instill faith in its institutions and to provide basic
5 services. So I believe that even the United Nations
6 recognizes the harmful effects of corruption in whatever form
7 it takes when high-ranking Government officials use their
8 office to illicit illegal bribes and then launder those
9 proceeds through the United States financial institutions.

10 I've considered, as I said, all of the factors under
11 3553(a) one through seven. As we know, the guidelines call
12 for a sentence between 78 to 97 months in custody. Probation
13 recommends 78 months on each count to run concurrently.
14 Probation also recommends two years of supervised release on
15 each count to run concurrently with special conditions, which
16 include that defendant provide U.S. Probation with full
17 disclosure of financial records, including co-mingled income,
18 expenses, assets and liabilities, and include yearly income
19 tax returns. That Mr. Inniss cooperate with the Probation
20 Department in signing appropriate documentation for release of
21 financial information. And that he cooperate with the
22 immigration authorities. And if he is deported or excluded
23 from the United States, he cannot reenter the United States
24 illegally; that is, without first seeking permission from the
25 United States Government.

SENTENCING

1 Probation also notes that Mr. Inniss must pay the
2 \$300 mandatory special assessment. It should be due and
3 payable immediately. I hope it will be paid soon.

4 The Government requests the same sentence
5 recommended by probation.

6 Defense counsel requests that I impose probation
7 only with community service.

8 After giving respectful consideration to the
9 advisory guidelines and all the factors set forth 18 United
10 States Code section 3553(a), I will impose a sentence that
11 falls below the advisory guidelines and is sufficient but not
12 greater than necessary to effect the goals of sentencing, and
13 specifically, punishment and deterrence. In imposing such a
14 sentence I've considered the serious nature of Mr. Inniss'
15 offense while he was a high-ranking public official. And the
16 need to promote respect for the law, the Government, and
17 its institutions, and the United States financial
18 institutions.

19 Also, there is a need to ensure deterrence for those
20 tempted to participate in similar money laundering crimes.

21 I've considered Mr. Inniss' age, medical conditions,
22 which I believe are adequately treated or treatable by the
23 Bureau of Prisons. I am glad to hear that Mr. Inniss has
24 received his Covid vaccine. And I hope that he will remain
25 protected from that virus. I recognize that he has some

SENTENCING

1 underlying condition that pose concerns.

2 I have considered Mr. Inniss' charitable work, his
3 educational background, his family ties, and his stature
4 within the Government and the country of Barbados. I take
5 very seriously his statement of remorse and regret. And his
6 sorrow that he has suffered harm to his reputation, his
7 political aspirations and most poignantly the harm that he
8 caused to his family who have worried about him.

9 As required by 3553(a) 1 through seven, I have
10 considered the kinds of sentences available, all of the
11 circumstances relevant to sentencing, the sentences available
12 and the sentencing ranges established for the applicable
13 category of defendant set forth in the advisory guidelines.
14 Again, I believe the sentence will avoid unwarranted
15 sentencing disparities. Accordingly I am authorized to find
16 in, and do find, all of the factors appropriate for a
17 determination of sentence as follows:

18 I sentence Mr. Inniss to a sentence of 24 months in
19 custody. We will discuss the surrender date and designation
20 in a moment. He will serve two years of supervised release
21 with the following special conditions. He must provide
22 probation and the United States Government with complete and
23 truthful disclosure of his financial records including
24 personal and business co-mingled income expenses, assets, and
25 liabilities. And include yearly personal and business income

SENTENCING

1 tax returns, except for the financial accounts already
2 recorded and noted within the presentence report, Mr. Inniss
3 is prohibited from maintaining or opening any additional
4 individual or joint checking or savings or other financial
5 accounts for either personal or purposes without first
6 advising and gaining approval from the Probation Department.
7 Mr. Inniss shall cooperate with the Probation Officer in the
8 investigation of his financial dealings and shall provide
9 truthful monthly statements of his income and expenses.
10 Mr. Inniss shall cooperate in the assigning of any necessary
11 authorizations to release information forms pertaining to the
12 U.S. Probation Department's access to financial information
13 and records.

14 He shall cooperate and abide by all instructions of
15 immigration authorities. And if he is deported or excluded,
16 he may not reenter the United States illegally.

17 I will not impose a fine.

18 The forfeiture order in the amount of \$36,500.73 has
19 been so ordered and will be incorporated into the judgment.

20 I will not impose restitution.

21 However, he must pay immediately the \$300 mandatory
22 special assessment.

23 Counsel, did you want to be heard about a surrender
24 date and place of designation?

25 MR. HIRSCHHORN: In light of the fact that

SENTENCING

1 Mr. Inniss intends to take an appeal, I would request, first,
2 that he be permitted to remain on liberty on the existing
3 bond. Should he fail to file -- should I fail to file -- a
4 notice of appeal, then of course, that would change and he
5 would have to surrender. So I also request that he be
6 permitted to voluntarily surrender to the institution
7 designated.

8 And I request that you recommend -- and I know it's
9 only a recommendation to the Bureau of Prisons -- that
10 Mr. Inniss be designated either to a federal prison camp or to
11 an FCI low, whichever he qualify for. He may not qualify for
12 a camp because he's a non-citizen. Those rules are somewhat
13 amorphous these days because of what is going on in the
14 country with COVID-19. I would first request a recommendation
15 to a federal prison camp or alternatively to FCI low.

16 THE COURT: Without preference to geographical
17 areas?

18 MR. HIRSCHHORN: I'm sorry. Yes, in close proximity
19 to his home, which is in Tampa, Florida, which would raise
20 three possibilities: Either Florida or Alabama, Montgomery,
21 Alabama. Or in Florida it would be Pensacola. I don't know
22 if Coleman still has a -- is the closest.

23 THE COURT: I'll just say that he be designated to a
24 facility in either Florida or Alabama, and they will know
25 which.

SENTENCING

1 MR. HIRSCHHORN: Fine.

2 THE COURT: Let's talk about surrender date.

3 MR. HIRSCHHORN: I would ask that the Court consider
4 permitting him to remain on bond pending appeal. And if the
5 appeal is not successful when the mandate comes down, that he
6 be required to surrender within four to six months -- weeks --
7 after the mandate to the institution designated.

8 THE COURT: Does the Government have a view on any
9 of the requests?

10 MR. MOODY: Your Honor, as to the request to remain
11 free pending appeal, we object to that request. The other
12 requests we don't take a position.

13 MR. HIRSCHHORN: I can't hear you.

14 MR. MOODY: We object to your first request that he
15 remain free pending appeal. As to the other requests, we take
16 no position.

17 THE COURT: Are you asking him to be remanded today?

18 MR. MOODY: No, your Honor. We're amenable to a
19 reasonable surrender date.

20 THE COURT: Is there a reason why allowing him to
21 remain at liberty pending his appeal presents a risk of flight
22 or harm to the public?

23 MR. MOODY: May we have one moment, please?

24 THE COURT: Yes. He has appeared at all court
25 ordered conferences.

SENTENCING

1 MR. MOODY: Your Honor, I believe the standard for
2 remaining free pending appeal is quite high. I don't think --

3 THE COURT: Is what?

4 MR. MOODY: Sorry about the mask.

5 The standard for requesting remaining free pending
6 appeal is quite high. We don't think the defendant has
7 satisfied that.

8 THE COURT: You think he's not likely to prevail on
9 his appeal.

10 MR. MOODY: Correct, your Honor. That's our
11 position.

12 THE COURT: I understand that. But nonetheless, it
13 seems to me that he has not given us any objective concern for
14 risk of flight or danger to the public.

15 MR. MOODY: Would your Honor consider briefing that
16 issue for you, doing research on it?

17 MR. HIRSCHHORN: I can't hear, counsel.

18 MR. MOODY: Would your Honor permit us to submit a
19 brief explaining our position on this issue?

20 THE COURT: I understand the standard is a high
21 standard, a difficult standard to meet. But in other cases
22 the Government typically does agree to allow someone at least
23 to be at liberty for some period, either pending appeal or
24 until his or her surrender.

25 MR. MOODY: I'm sorry if we were unclear. We are

SENTENCING

1 amenable to a reasonable surrender date, if it's weeks or
2 something reasonable. We just we oppose to him remaining at
3 liberty for the length of an appeal, which can be a very long
4 period of time.

5 MR. HIRSCHHORN: I don't know how long this appeal
6 process will take, your Honor. I handled probably 125 appeals
7 in federal court, including in the Second Circuit. The
8 transcript has been printed. It was a short trial. I can't
9 speak for the Second Circuit's docket, but this is not a case
10 that's going to require extension upon extension to get an
11 appellate brief done.

12 THE COURT: I do think that if we were to provide
13 three months for Mr. Inniss to surrender -- I will set a
14 surrender date three months from now, which brings us to
15 July 30, to the designated institution, usually it is by
16 2:00 p.m. And Mr. Hirschhorn, you will be asked to confirm on
17 August 2 that your client has surrendered on July 30.

18 MR. HIRSCHHORN: I'll be asked to confirm what?

19 THE COURT: Confirm by ECF, by letter, by August 2
20 that your client has surrendered.

21 MR. HIRSCHHORN: Usually the Marshals -- I'll be
22 glad to do it, but usually the Marshals e-files an execution
23 of service but I'll be glad to do that.

24 THE COURT: That's what I'm asking you to do, sir.
25 I'm ordering you to do it.

SENTENCING

1 So August 2, 2021, Mr. Hirschhorn will confirm
2 surrender at the designated facility.

3 Is there anything else I should address?

4 MS. SHWEDER: I couldn't hear, but I just wanted to
5 confirm what your Honor had said about the amount of
6 forfeiture, I just couldn't hear it.

7 THE COURT: I said \$36,536.73, which is the amount
8 in the forfeiture order; and coincidentally the amount of the
9 total bribes received.

10 MS. SHWEDER: Thank you, your Honor. I just
11 couldn't hear.

12 THE COURT: Anything else I need to address at this
13 time?

14 MR. MOODY: Nothing from the Government, your Honor.

15 THE COURT: Mr. Hirschhorn?

16 MR. HIRSCHHORN: No. As I understand it, hopefully
17 the U.S. Bureau of Prisons will have advised me and/or
18 Mr. Inniss as to the institution designated by July 30. And
19 if they have, I will notify the Court that he has surrendered.
20 If they haven't, we'll deal with it as we deal with it.

21 THE COURT: Well, you'll let me know if they haven't
22 designated him by July 30. You might let me know a week in
23 advance and the Government will confirm how that is going. We
24 will take whatever other appropriate steps might be necessary.

25 I wish Mr. Inniss well, good health, and I suppose

SENTENCING

1 good luck with your appeal as well. You do have the right to
2 file one and you've got 14 days to do so. Thank you.

3 Anything else?

4 MR. MOODY: Nothing from the Government, your Honor.

5 MR. HIRSCHHORN: No, your Honor.

6 THE COURT: Thank you.